

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 628, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 36-7-4-609 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 609. (a)
- 4 ADVISORY. **Except as provided in section 609.5 of this chapter**, a
- 5 legislative body may take action under section 606, 607, or 608 of this
- 6 chapter only by a vote of at least a majority of all the elected members
- 7 of the body.
- 8 (b) AREA. A legislative body may take action under section 606,
- 9 607, or 608 of this chapter only by a vote of at least a majority of all the
- 10 elected members of the body.
- 11 (c) METRO. The legislative body may take action under section
- 12 606, 607, or 608 of this chapter only by a vote of at least three-fifths
- 13 (3/5) of all the elected members of the body.
- 14 (d) ADVISORY) AREA. Each city shall determine whether its
- 15 zoning ordinances will be subject to veto by the executive of the city.
- 16 If the city legislative body, by general ordinance, so provides, then each
- 17 zoning ordinance adopted by that city under section 606, 607, or 608
- 18 of this chapter may be vetoed by the executive of the city. The

1 executive must exercise the veto:

2 (1) in a case in which the legislative body adopts (as certified) the
3 proposal, within ten (10) days after the legislative body acts;

4 (2) in a case in which the legislative body amends the proposal
5 and the plan commission approves the amendment or fails to act,
6 within fifty-five (55) days after the proposal is returned to the plan
7 commission for its consideration;

8 (3) in a case in which the legislative body amends the proposal
9 and confirms its original amendment by another vote, within ten
10 (10) days after the legislative body confirms its original
11 amendment; or

12 (4) in a case in which the proposal is to take effect because of the
13 legislative body's failure to act within a period of days, within ten
14 (10) days after the expiration of that period.

15 (e) If a city zoning ordinance is not vetoed under subsection (d), it
16 takes effect without any action being taken by the executive of the city.

17 (f) ADVISORY) AREA. If a city zoning ordinance is vetoed under
18 subsection (d), it is defeated unless the city legislative body, at its first
19 regular or special meeting after receiving the veto message, passes the
20 ordinance over the veto by a two-thirds (2/3) vote.

21 SECTION 2. IC 36-7-4-609.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: **Sec. 609.5. (a) This section applies**
24 **to property located within an area that has:**

25 (1) a south boundary of 96th street;

26 (2) a north boundary of 146th street;

27 (3) a west boundary that is the county line of a county having
28 a population of more than thirty-eight thousand (38,000) but
29 less than thirty-eight thousand three hundred (38,300); and

30 (4) an east boundary that is the municipal limit of a city
31 having a population of more than thirty thousand (30,000) but
32 less than thirty-two thousand (32,000);

33 in a township having a population of more than forty-two thousand
34 five hundred (42,500) but less than forty-four thousand (44,000)
35 located in a county having a population of more than one hundred
36 eight thousand (108,000) but less than one hundred eight thousand
37 nine hundred fifty (108,950).

38 (b) To take action under section 606, 607, or 608 of this chapter,

- 1 a legislative body must include in its membership:
- 2 (1) the:
- 3 (A) township trustee of a township having a population of
- 4 more than forty-two thousand five hundred (42,500) but
- 5 less than forty-four thousand (44,000) located in a county
- 6 having a population of more than one hundred eight
- 7 thousand (108,000) but less than one hundred eight
- 8 thousand nine hundred fifty (108,950); or
- 9 (B) the township trustee's designee;
- 10 (2) one (1) member appointed by the township trustee of a
- 11 township having a population of more than forty-two
- 12 thousand five hundred (42,500) but less than forty-four
- 13 thousand (44,000) located in a county having a population of
- 14 more than one hundred eight thousand (108,000) but less than
- 15 one hundred eight thousand nine hundred fifty (108,950); and
- 16 (3) two (2) members appointed by the township board of a
- 17 township having a population of more than forty-two
- 18 thousand five hundred (42,500) but less than forty-four
- 19 thousand (44,000) located in a county having a population of
- 20 more than one hundred eight thousand (108,000) but less than
- 21 one hundred eight thousand nine hundred fifty (108,950).
- 22 (c) A legislative body, as described in this section, may take
- 23 action under section 606, 607, or 608 of this chapter, only by a vote
- 24 of at least a majority of all the members of the body as described
- 25 in this section.
- 26 (d) This section expires January 1, 2003.
- 27 SECTION 3. An emergency is declared for this act.
- (Reference is to SB 628 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

Senator Merritt, Chairperson